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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,515	04/02/2004	Raymond Worrall	MAR-0019	3156
23413	7590	11/18/2005	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EPPS, TODD MICHAEL	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 11/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/817,515

Applicant(s)

WORRALL, RAYMOND

Examiner

Todd M. Epps

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 2, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, and 20-27 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/2/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/1/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for serial number 10/817,515, Mount, filed on April 2, 2004.

Claim Objections

Claims 1, 2, 5, and 17 are objected to because of the following informalities:
Claim 1, line 2, "mounting element, for angular" should be -- mounting element for angular --, claim 1, line 11, "coupling means the cap can be" should be -- coupling means, the cap can be --, claims 2, and 5, line 2, "longitudinal end of its arm the support member has a ball" should be -- longitudinal end of its arm, the support member has a ball --, and claim 17, line 2, "which at its other, closed, end has a" should be -- which at its other closed end has a --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 4, 8, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4, and 8, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 21, line 5, "surface of the or a base of the mounting element" should be -- surface of the mounting element or a base of the mounting element --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 9, 17, 18, 20, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,899,167 to Furman.

Furman '167 discloses a mounting element (15), a cap (19) engaged with the mounting element, and defining therewith a socket with which a part-spherical portion (21) of a support member co-operates to form a ball and socket arrangement, the support member (fig. 3) having an arm (27) extending from a part spherical portion through a slot (25) in a cap and being angularly adjustable therealong, and coupling means (67) being engagable with a mounting element in a first state so as to retain the cap in its selected angular orientation relative to the mounting element, and to retain the arm in its selected angular orientation in a slot, and wherein in a released, second state of the coupling means, the cap can be adjustably moved angularly relative to the mounting element, the arm can be moved adjustably along a slot, and the support member can be moved rotationally relative to the cap and mounting element, thereby to

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adjust the orientation of a mounted object; wherein at one longitudinal end only of its arm, the support member has a ball defining said part-spherical portion (fig. 3); wherein a ball (21) is integral and rigid with a arm (fig. 3); wherein the cap (19) is open ended and has a body portion (fig. 3) which at its other closed end has a hemispherical internal profile (fig. 3); wherein at the open end of the cap, which is a cylindrical, there is an annular collar (72) which protrudes radially outwardly from the body portion of the cap (fig. 3), and wherein the slot (25) is radial and closed-ended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furman '167 in view of U.S. Patent No. 4,647,434 to Ayers et al. (Ayers).

Regarding claims 2, 3, and 4, Furman '167 discloses a mounting element is adapted to be fixed, in use, to a surface, however, reveals the previous invention failing to specifically teach an arrangement of mounting element, cap, and coupling means presented at both ends of the support element, and wherein a support member has a ball defining a part-spherical portion at each longitudinal end of its arm. Nevertheless, Ayers '434 discloses mounting elements at each end, where a support member defining a part-spherical portion at each longitudinal end of its arm.

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Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included another mounting element, cap, and coupling means at other ends of the support element of Furman '167 to have a part-spherical portion at each longitudinal end of its arm as in Ayers '434 wherein doing so would provide thereof a superior mounting of an object attached to the surface.

Claims 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furman '167.

Regarding claims 6, 7, and 8, Furman '167 discloses an arrangement of mounting element, cap and coupling means presented at one longitudinal end only of the support member, and the mounting element is adapted to be fixed, in use, to a surface, however, reveals the previous invention failing to specifically teach the other longitudinal end of its arm, wherein the support member has a screw threaded extension to be adapted to connect directly or indirectly, in use, to an object to be mounted. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a screw threaded extension on the other end as in Furman '167 wherein doing so would provide thereof an additional mount for mounting an object as to be perchance with enhancement of the appearance of the mounting element.

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Claims 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furman '167 in view of U.S. Patent No. 6,328,270 to Elberbaum.

Furman '167 disclose a mounting element, wherein the element has a base having a flat outer mounting surface, has a central aperture through which fixing means may pass, and has a circumferential wall which is externally threaded, the coupling means, wherein the coupling means is of annular form, a nut, has internal threads which co-operate with the external threads of the circumferential wall of the mounting element to engage the coupling means with the mounting element, has an external annular surface which is provided with gripping means facilitating tightening and loosening of the coupling means, and has an external annular surface from one end of which a rim extends inwardly.

However, Furman '167 reveals the previous invention failing to specifically teach a mounting element with a cylindrical spigot portion, wherein the spigot portion extends axially outwardly from a base, has an internal surface configured for complementary interfit with a ball of the support member, and an annular is between the circumferential wall and the spigot portion in an internal surface of the base.

Nevertheless, Elberbaum '270 teaches a mounting element, wherein the element has a cylindrical spigot portion. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mounting element of Furman '167 to have a mounting element with a cylindrical spigot

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portion as in Elberbaum '270 wherein doing so would protect thereof the ball and socket from getting contaminated.

Regarding claim 26, Furman '167 reveal the previous invention failing to specifically teach wherein the cap is adapted to fit over the spigot portion of the mounting element. Nevertheless, Elberbaum '270 teaches a cap adapted to fit over the spigot portion of the mounting element. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mounting element of Furman '167 to have a mounting element with a cylindrical spigot portion as in Elberbaum '270 wherein doing so would protect thereof the ball and socket from getting contaminated.

Allowable Subject Matter

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach a cap with a collar wherein the collar is an incomplete annulus.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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U.S. Patent No. 2,739,780 to Richards


The above reference discloses a structure similar to the applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps
Patent Examiner
Art Unit 3632
November 9, 2005

 11/14/05
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